

**REMARKS**

Claims 1-16 are pending and under consideration. Claims 1, 2, 5, 6, 9, 11, and 13 to 16 are amended herein. Support for the amendments to the claims made be found in the specification as filed originally at page 29, lines 12 to 25, continuing at page 30, lines 1 to 25, and continuing further at page 31, lines 1 to 13, and shown in Figs. 8 and 9. Further reconsideration is requested based on the foregoing amendment and the following remarks.

**Response to Arguments:**

The Applicants appreciate the consideration given to their arguments. The Applicants, however, are disappointed that their arguments were not found to be persuasive. The final Office Action asserts in section 27, at pages 7 and 8, that:

Examiner disagrees as the labeling of figure 2 is clearly an admission that what is pictured is prior art relative to applicant's improvement. Furthermore, "conventional" indicates an accepted standard that is already well known by others.

This is submitted to be incorrect. There is no mention of prior art in Fig. 2 at all, let alone any admission that what is pictured is prior art relative to the Applicant's improvement. Furthermore, even if Fig. 2 were an admission that what is pictured was prior art relative to the applicant's improvement, or the word "conventional" *did* indicate an accepted standard that is already well known by others, the admission or the accepted standard would still only be evidence as of the date the application was *filed*, rather than before the date of the invention. As discussed more fully below, however, in order for the subject application to be a valid reference under any of the provisions of 35 U.S.C. § 102, the subject application would necessarily have to have been filed before the date of the invention, which is an impossibility.

The final Office Action asserts in section 28, at page 8, that:

Examiner disagrees and submits figure 17 clearly illustrates the representative information processing device [600] notifying the next power a data and time [116] via 107.

This is also submitted to be incorrect. Fig. 17 of Morimoto, to the contrary, shows the information gathering part 601 collecting via the network 150 the dependent information definition files 101 to 104 distributed to the respective computers and then passing the files 101 to 150 to the dependent graph generator 105, not the representative information processing device [600] notifying the next power a data and time [116] via 107. In particular, as described at column 15, lines 9-25:

The second embodiment differs from the first embodiment in that the dependent information definition files 101 to 104 are distributively allocated to the respective computers and a part of gathering dependent information 601 is arranged in the computer 600. The information gathering part 601 collects via the network 150 the dependent information definition files 101 to 104 distributed to the respective computers and then passes the files 101 to 150 to the dependent graph generator 105. Dot-and-dash lines 650 indicate transfer paths of the dependent information definition files to the information gathering part 601.

Furthermore, since, in Morimoto, start and termination schedules 106, 113, 116, and 122 are *stored* in the computers 100 and 124, as discussed more fully below, there is no *need* in Morimoto to *notify* "each of the other information processing devices of a next power-up date and time."

The final Office Action asserts in section 29, at page 8, that:

Examiner fails to see why one with ordinary skill in the art would not enter the next power-up data and time when a power-down has come so that the information is not lost and the system can be powered up correctly and restored safely.

Because, in the alternative, one of ordinary skill in the art could do as *Morimoto* did and store start and termination schedules 106, 113, 116, and 122 in the computers 100 and 124, rather than "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as recited in claim 1. There was thus no need to modify Morimoto to have "each power supply control device enter a next power-up date and time each time a power-down date and time comes," as recited in claim 1, since the start and termination schedules 106, 113, 116, and 122 according to which the computers are started or terminated are already *stored* in the computers. Further reconsideration is thus requested.

#### **Claim Rejections - 35 U.S.C. § 103:**

Claims 1-4, 7-10, and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the subject application, termed "AAPA" in the final Office Action, in view of U.S. Patent No. 5,867,716 to Morimoto et al. (hereinafter "Morimoto") and U.S. Patent No. 6,336,161 to Watts (hereinafter "Watts"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

For a reference to be available under 35 U.S.C. § 103(a), it must first be a valid reference under one of the provisions of 35 U.S.C. § 102. Since AAPA is *part* of the subject application, however, it cannot be a valid reference under any of the provisions of 35 U.S.C. § 102, since the subject application was necessarily filed *after* the date of the invention.

35 U.S.C. § 102(a), in particular, requires a reference to have existed “before the invention thereof by the applicant for patent.” Since the subject application could not have existed “before the invention thereof by the applicant for patent,” AAPA cannot be a valid reference under the provisions of 35 U.S.C. § 102(a).

Similarly, 35 U.S.C. § 102(b) requires a reference to have existed “more than one year prior to the date of the application for patent in the United States.” Since the subject application, i.e. the application as filed in the United States Patent and Trademark Office, could not have existed “more than one year prior to the date of the application for patent in the United States,” AAPA cannot be a valid reference under the provisions of 35 U.S.C. § 102(b), either.

Finally, 35 U.S.C. § 102(e) requires a reference to have existed “before the invention by the applicant for patent.” Since the subject application could not have existed “before the invention by the applicant for patent,” AAPA cannot be a valid reference under the provisions of 35 U.S.C. § 102(e), either. Since AAPA cannot be a valid reference under any provision of 35 U.S.C. § 102, AAPA cannot be a valid reference under 35 U.S.C. § 103(a), either, and the rejection ought to be withdrawn.

In any case, in the claimed invention, the computers other than a representative computer are activated by a power up instruction from the representative computer. Each of the other computers also stores a power up date and time, of which they are notified by a power down instruction from the representative computer. Activation in accordance with the stored power up date and time, however, only takes place if the representative computer fails to provide the power up instruction. That is, when computer 11, the representative computer, is operating normally, as shown in Fig. 8, computer 11 issues a power up instruction at operation S45, which activates the other computers in operations S47, and S48.

If, on the other hand, computer 11 is not operating normally, i.e. an abnormality has occurred, then operation S45 cannot be performed, and the other computers are activated by the performance of operation S49, as shown in Fig. 9. The fourth clause of claim 1, in particular, recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “each power supply control device of said other information processing devices performing a power-up process if the

entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as recited in claim 1. In Morimoto, rather, start and termination schedules 106, 113, 116, and 122 are *stored* in the computers 100 and 124. There is no need in Morimoto for a representative information processing device to issue a “power-up instruction to each power supply control device of the other information processing devices,” as recited in claim 1, let alone “performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” since the computers are started or terminated according to the start and termination schedules 106, 113, 116, and 122 already *stored* in the computers. In particular, as described at column 5, lines 18-24:

The automatic operation systems 108, 112, 115, 118, and 121 are also disposed in the computers 100 and 124 to 127, respectively. Each of the automatic operation systems 108, 112, 115, 118, and 121 controls the automatic operation of the pertinent computer according to the procedure described in the schedule to start or terminate system stored in the computer.

Since, in Morimoto, the computers are started or terminated according to the procedure described in the schedule, Morimoto has no need for “each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as recited in claim 1.

The third clause of claim 1 recites:

Notifying each of the other information processing devices of a next power-up date and time.

AAPA neither teaches, discloses nor suggests “notifying each of the other information processing devices of a next power-up date and time,” as acknowledged graciously in the final Office Action in section 6, at page 3. The final Office Action seeks to compensate for this deficiency of AAPA by combining AAPA with Morimoto. Morimoto, however, is not “notifying each of the other information processing devices of a next power-up date and time,” either, and thus cannot make up for the deficiencies of AAPA with respect to claim 1.

In Morimoto, rather, start and termination schedules 106, 113, 116, and 122 are *stored* in the computers 100 and 124, as discussed above. Since, in Morimoto, the computers are started

or terminated according to the start and termination schedules 106, 113, 116, and 122 already stored in the computers, there is no need in Morimoto to notify “each of the other information processing devices of a next power-up date and time,” as recited in claim 1.

Furthermore, in Morimoto, start and termination schedules 106, 113, 116, and 122 are *stored* in the computers 100 and 124. In particular, as described at column 4, lines 62-67:

In the computer 100, there is also arranged a part of making and distributing schedule files 107 which creates a schedule to start or terminate whole system 111 according to the dependent graph 109 and then produces therefrom start and termination schedules 106, 113, 116, and 122 to be stored in the computers 100 and 124 to 107 in a respective fashion.

Since, in Morimoto, start and termination schedules 106, 113, 116, and 122 are stored in the computers 100 and 124, Morimoto is not “notifying each of the other information processing devices of a next power-up date and time,” as recited in claim 1.

Finally, in Morimoto, the generated schedules 106, 113, 116, and 122 that are distributed to the schedule file switchers 110, 114, 117, 120, and 123 include information of schedules to start or terminate the associated computers. In particular, as described at column 5, lines 1-7:

Additionally, the schedule file generating and distributing part 107 respectively distributes the generated schedules 106, 113, 116, and 122 to start or terminate system to schedule file switchers 110, 114, 117, 120, and 123. The generated schedules 106, 113, 116, and 122 include information of schedules to start or terminate the associated computers, respectively.

Since, in Morimoto, the generated schedules 106, 113, 116, and 122 include information of schedules to start or terminate the associated computers, Morimoto is not “notifying each of the other information processing devices of a next power-up date and time,” as recited in claim 1. Thus, even if AAPA and Morimoto were combined, the claimed invention would not result.

The third clause of claim 1 recites further:

Having each power supply control device enter a next power-up date and time each time a power-down date and time comes.

AAPA neither teaches, discloses nor suggests “having each power supply control device enter a next power-up date and time each time a power-down date and time comes,” as acknowledged graciously in the final Office Action in section 6, at page 3. The final Office Action seeks to compensate for this deficiency of AAPA by combining AAPA with Watts. Watts, however, is not “having each power supply control device enter a next power-up date and time each time a power-down date and time comes,” either, and thus cannot make up for the deficiencies of AAPA with respect to claim 1.

Watts, rather, stores hardware configuration information, which would normally be supplied by the drivers upon start up, in the flash EEPROM once power-down mode begins. In particular, as described at column 4, lines 8-19:

Once power-down mode begins (block 44), hardware configuration information, which would normally be supplied by the drivers upon start up, is stored in the flash EEPROM. This configuration information could include, for example, the information stored in configuration registers in the sound card, hard/floppy drive controllers, video card, and so on; such information being needed for proper operation of the device at start-up.

Since Watts stores hardware configuration information in the flash EEPROM once power-down mode begins, Watts is not "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as recited in claim 1.

Watts, furthermore, stores system information such as the frame buffer memory and other data which is not needed at start-up in the hard drive. In particular, as described at column 4, lines 21-24:

In block 46 the other system information such as the frame buffer memory and other data which is not needed at start-up is stored to the hard drive. Once all system information has been stored to either the flash EEPROM or the hard drive (or other mass storage device), the computer 10 is powered down in block 48.

Since Watts stores system information such as the frame buffer memory and other data which is not needed at start-up in the hard drive, Watts is not "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as recited in claim 1. Thus, even if AAPA and Watts were combined, the claimed invention would not result. Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 3 and 7 depend from claim 1 and add further distinguishing elements. Claims 3 and 7 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3 and 7 is also earnestly solicited.

Claims 2, 4, and 8:

The third clause of claim 2 recites:

Notifying each power supply control device of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1.

The third clause of claim 2 recites further:

Having each power supply control device enter the next power-up date and time.

Neither AAPA nor Watts teach, disclose or suggest “having each power supply control device enter the next power-up date and time,” as discussed above with respect to the rejection of claim 1.

The fourth clause of claim 2 recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as discussed above with respect to the rejection of claim 1. Claim 2 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 2 is earnestly solicited.

Claims 4 and 8 depend from claim 2 and add further distinguishing elements. Claims 4 and 8 are thus also submitted to be allowable. Withdrawal of the rejection of claims 4 and 8 is also earnestly solicited.

Claims 9, 10, and 12:

The fourth clause of claim 9 recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule,” as discussed above with respect to the rejection of claim 1.

The fifth clause of claim 9 recites:

Wherein each power supply control device performs a power-up process if the power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “wherein each power supply control device performs a power-up process if the power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as discussed above with respect to the rejection of claim 1. Claim 9 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claims 10 and 12 depend from claim 9 and add further distinguishing elements. Claims 10 and 12 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10 and 12 is also earnestly solicited.

Claim 13:

The second clause of claim 13 recites:

A power-down unit storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system.

Neither AAPA nor Morimoto teach, disclose or suggest “storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system,” as discussed above with respect to the rejection of claim 1.

The third clause of claim 13 recites:

Performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received,” as discussed above with respect to the rejection of claim 1. Claim 13 is thus submitted to be allowable for at least those reasons



discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 13 is earnestly solicited.

Claim 14:

The third clause of claim 14 recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to a predetermined power-up/down schedule.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of a next power-up date and time each time power-down date and time comes,” as discussed above with respect to the rejection of claim 1.

The fourth clause of claim 14 recites:

Performing a power-up process if the power-up date and time comes and abnormally no power-up instruction is received.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “performing a power-up process if the power-up date and time comes and abnormally no power-up instruction is received,” as discussed above with respect to the rejection of claim 1. Claim 14 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 14 is earnestly solicited.

Claims 5, 6, and 11:

Claims 5, 6, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Morimoto and Watts in view of European Patent Application EP 0 936 532 to Sugahara et al. (hereinafter “Sugahara”). The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

The third clause of claim 5 recites:

Notifying each of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention.

The third clause of claim 5 recites further:

Having each power supply control device enter a next power-up date and time each time a power-down date and time comes.

Neither AAPA nor Watts teach, disclose or suggest “having each power supply control device enter a next power-up date and time each time a power-down date and time comes,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Watts with respect to the claimed invention.

The fourth clause of claim 5 recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as discussed above with respect to the rejection of claim 1.

Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA, Morimoto, or Watts with respect to the claimed invention. Thus, even if AAPA, Morimoto, Watts, and Sugahara were combined, as proposed in the final Office Action, the claimed invention would not result. Claim 5 is thus submitted to be allowable. Withdrawal of the rejection of claim 5 is earnestly solicited.

Claim 6:

The third clause of claim 6 recites:

Notifying each power supply control device of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention.

The third clause of claim 6 recites further:

Having each power supply control device enter the next power-up date and time.

Neither AAPA nor Watts teach, disclose or suggest “having each power supply control device enter the next power-up date and time,” as discussed above with respect to the rejection of claim

1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Watts with respect to the claimed invention.

The fourth clause of claim 6 recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as discussed above with respect to the rejection of claim 1.

Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA, Morimoto, or Watts with respect to the claimed invention. Thus, even if AAPA, Morimoto, Watts, and Sugahara were combined, as proposed in the final Office Action, the claimed invention would not result. Claim 6 is thus submitted to be allowable. Withdrawal of the rejection of claim 6 is earnestly solicited.

Claim 11:

The fourth clause of claim 11 recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention.

The seventh clause of claim 11 recites:

wherein each power supply control device performs a power-up process if the

power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “wherein each power supply control device performs a power-up process if the power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as discussed above with respect to the rejection of claim 1.

Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA, Morimoto, or Watts with respect to the claimed invention. Thus, even if AAPA, Morimoto, Watts, and Sugahara were combined, as proposed in the final Office Action, the claimed invention would not result. Claim 11 is thus submitted to be allowable. Withdrawal of the rejection of claim 11 is earnestly solicited.

Claim 16:

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA and Morimoto in view of U.S. Patent No. 6,014,669 to Slaughter et al. (hereinafter “Slaughter”). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

The third clause of claim 16 recites:

Notifying, by said one of said information processing devices, each of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying, by said one of said information processing devices, each of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1. Slaughter does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention.

The sixth clause of claim 16 recites:

Performing a power-up process of each the other information processing devices if the next power-up date and time comes and said one of said information processing devices fails to provide a further power-up instruction.

Neither AAPA, Morimoto, nor Watts teach, disclose or suggest “performing a power-up process of each the other information processing devices if the next power-up date and time comes and

said one of said information processing devices fails to provide a further power-up instruction," as discussed above with respect to the rejection of claim 1.

Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA, Morimoto, or Watts with respect to the claimed invention. Thus, even if AAPA, Morimoto and Slaughter were combined, as proposed in the final Office Action, the claimed invention would not result. Claim 16 is thus submitted to be allowable. Withdrawal of the rejection of claim 16 is earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-16 are allowable over the cited references.

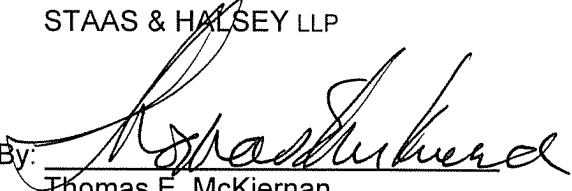
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 05 FEB 07

By:   
Thomas E. McKiernan  
Registration No. 37,889

1201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501